

REMARKS

II. Double-Patenting Rejection

Claims 1-10 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of copending application serial no. 09/654,191. The Examiner noted that a timely filed Terminal Disclaimer in compliance with 36 C.F.R. §1.321(c) would overcome an actual or provisional rejection on this ground.

Enclosed herewith is a copy of the executed Terminal Disclaimer filed in accordance with C.F.R. §1.321(b) and (c) which disclaims the terminal portion of any patent issuing on the instant application that extends beyond the expiration of any patent that issues from of copending application serial no. 09/654,191.

The applicants submit that the Terminal Disclaimer overcomes the rejection for obviousness-type double patenting and withdrawal of the rejection is respectfully requested.

III. Conclusion

In view of the above remarks, the applicants submit that the claims now pending are in condition for allowance. A Notice of Allowance is, therefore, respectfully requested.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4405.

Respectfully submitted,



Larry W. Thrower
Registration No. 47,994

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Correspondence Address

Tel: (650) 838-4300
Customer No. 22918